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September 24, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: JMV
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

September 24, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: JMV
DEPUTY

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 1:21-cv-796

STATE OF TEXAS

DEFENDANT

MOTION TO INTERVENE, BY OSCAR STILLEY

Comes now Oscar Stilley, (Stilley) as a putative intervenor, and for his motion to intervene on the side of the defendants in the instant action, and states:

1. Stilley is the plaintiff in an action entitled Oscar Stilley v. Alan Braid, MD, Bexar County 438th District Court 2021 CI 19940. For the convenience of the Court and parties, a link to Plaintiff's complaint is included [here](#).
2. Stilley's authority to bring this suit is granted by the Texas Heartbeat Act, AKA Senate Bill 8 (SB8).
3. Stilley has thus far invested the sum of \$295.29 for the filing fee and convenience fee, to file the aforementioned complaint.
4. Stilley also plans future litigation against various defendants not yet known, should all or part of SB8 be declared constitutional.
5. An adverse judgment against the Defendants in the captioned case would render Stilley's monetary investment worthless, with respect to the litigation prospects of the suit. An adverse judgment would also likely destroy or restrict future litigation prospects.
6. Stilley has reviewed Docket # 28, a motion to intervene by Erick Graham, Jeff Tuley, and Misty Sharp.

7. Said motion, which looks remarkably similar to legal briefs Stilley has read in times gone by, sets forth legal authorities which Stilley respectfully submits would entitle Stilley to intervention as a matter of right, pursuant to authorities cited by the aforesaid three individuals. Stilley sees no need to take the Court's time by repeating such citations and arguments.
8. Stilley wishes to intervene for the protection of his legal and property rights under SB8.
9. If intervention is granted, Stilley plans to present only those non-frivolous arguments in favor of SB8 that would tend to show that SB8, or part thereof, is constitutional and legally valid.
10. Stilley has made calls to Texas Right to Life on Monday, Tuesday, and Friday morning of this week, but has not yet received a return call.
11. Stilley intends to inquire of Texas Right to Life, as to all non-frivolous arguments known to that organization or its personnel, in support of SB8.
12. Stilley from a review of the aforementioned request for intervention, by the 3 putative plaintiffs under SB8, divines that said intervenors are focusing on trying to save only part of SB8.
13. Stilley also divines that said 3 putative intervenors are likely associated with Texas Right to Life, whether directly or indirectly.
14. Stilley hopes to get a copy of SB8, with strike-outs through language that the Texas Right to Life thinks the Court should strike, if severance of illegal provisions is deemed by the Court to be an appropriate remedy.
15. It also appears that said intervenors might hope that the Court will engage in a *de facto* redrafting the language of SB8, in order to save something out of the law.
16. If Stilley gets a chance to inquire, he hopes to discover from Texas Right to Life 1) precisely the changes of language (*de facto* or otherwise) espoused by Texas Right to Life, and 2)

legal authority known to them suggesting that courts, as a general rule, have the power to redraft a statute to save part of it.

17. Stilley also intends to request the support of an *amicus curiae* attorney, to ensure that Stilley's arguments, together with the assistance of *amicus* counsel, adequately present and vigorously argue all non-frivolous arguments in support of the validity of SB8, whether in whole or in part.

18. Stilley intends to present all non-frivolous arguments gained from such conversations, in defense of his property rights in his own current and prospective litigation under SB8.

19. In addition to service via CM/ECF, Stilley plans to fax this pleading to Texas Right to Life, at their posted fax number, so they understand the nature of Stilley's business, and the urgency thereof.

20. Stilley plans to comply with this Court's existing scheduling order, which requires that defense briefs be filed by 9:00 AM on September 29, 2021. Stilley does not anticipate that he will need any deviations from any scheduling order of this court, during the proceedings.

21. Stilley plans to rest upon the High Sabbath to Yahweh his Elohim, (Mighty Ones) known as "Last Great Day," which this year lasts from sundown September 28 to sundown September 29 of 2021.

22. Stilley says this so that Texas Right to Life specifically, and all parties generally, may understand that briefing materials should be provided to Stilley no later than 4:00 PM September 28, 2021, to ensure that Stilley can incorporate them into his brief, and submit them to the Clerk for filing, before sundown at Cedarville, Arkansas on that day. Sundown on that day and location will be at 7:05 PM Central Time.

23. Stilley being in federal custody, on home confinement, requests that court appearances, if necessary, be allowed via Zoom videoconferencing.

24. Stilley is willing to content himself with being heard on written briefs, should the Court find that such is in the interests of justice.

WHEREFORE, premises considered, Stilley respectfully requests that this Court order that Oscar Stilley be granted intervention as a matter of right, under such terms and conditions as the Court finds just; and for such other and further relief as may be appropriate whether or not specifically requested.

Respectfully submitted.

By: /s/ Oscar Stilley
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September 24, 2021

CERTIFICATE OF SERVICE

Oscar Stilley by his signature above certifies that he has caused this pleading to be served on all parties entitled to service, via CM/ECF, upon filing by the clerk. Also, a copy of this pleading is being faxed to Texas Right to Life at their published fax number, 713-952-2041.